

## TEXAS TRANSPORTATION COMMISSION

Williamson County

### MINUTE ORDER

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Austin District

The Central Texas Regional Mobility Authority (CTRMA) has been proceeding with the development of the 183A Phase III Project, a project located within the boundaries of CTRMA. The 183A Phase III Project is a 6.6 mile extension of 183A from Hero Way to just north of SH 29 in Williamson County, and is comprised of (1) CTRMA's toll project consisting of two tolled main-lanes in each direction (Authority Improvements); and (2) improvements to the existing US 183 owned and maintained by the Texas Department of Transportation (department) from approximately the junction of the existing 183A and US 183 northward to just north of SH 29, along with new non-tolled US 183 general purpose lanes north of SH 29 (TxDOT Improvements).

The Capital Area Metropolitan Planning Organization (CAMPO) included the 183A Phase III Project in the CAMPO 2040 Plan adopted on May 11, 2015. Both components of the 183A Phase III Project will be constructed and funded under a single contract by CTRMA. The Authority Improvements are tolled managed lanes and will be owned and operated by CTRMA. The TxDOT Improvements are non-tolled general purpose lanes and other non-tolled improvements and will be owned and operated by the department. The existing US 183 will be reconstructed through the non-tolled TxDOT Improvements to provide an equivalent or greater number of non-tolled lanes than currently exists exclusive of the frontage road lanes. CTRMA will be responsible for paying the costs of both the Authority Improvements and the TxDOT Improvements.

The Authority Improvements are subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code § 373.052, CTRMA has exercised its option to develop, finance, construct, and operate the Authority Improvements. Pursuant to Transportation Code § 370.301(e), the Authority Improvements will not be on the state highway system. The non-tolled TxDOT Improvements will remain on the state highway system as US 183.

Pursuant to Transportation Code, Chapter 373, Subchapter C, the department shall allow a local toll project entity, including a regional mobility authority, to use state highway right-of-way and to access the state highway system as necessary to construct and operate a toll project. Transportation Code § 373.103 provides that a local toll project entity and the department shall enter into an agreement for any toll project for which the entity has exercised its option to develop, finance, construct, and operate a project and for which the entity intends to use state highway right-of-way necessary to protect the interests of the Texas Transportation Commission (commission) and the department in the use of state highway right-of-way for operations of the department.

Transportation Code § 370.187 provides that a regional mobility authority may not begin construction of a transportation project that will connect to the state highway system or a department rail facility without the approval of the commission. Title 43, Texas Administrative Code § 26.31, et seq. prescribe the conditions for that approval, and require that a regional mobility authority obtain approval after completing the environmental review required by Transportation Code § 370.188 and federal law and before construction of the project begins. The environmental review of the 183A Phase III Project has been completed. Title 43, Texas Administrative Code § 11.58 provides that the commission must approve a public or private entity's connection of a regionally significant highway to the state highway system, and provides the criteria for that approval.

Pursuant to 43 Texas Administrative Code §§ 26.31 and 11.58, CTRMA has submitted a request to the executive director to connect the Authority Improvements to the state highway system. Pursuant to 43 Texas Administrative Code § 26.32, the commission has determined that the Authority Improvements may be effectively integrated into the state's transportation system. Further, the commission has determined that all other criteria and conditions for connection of the Authority Improvements to the state highway system have been met or satisfied.

TEXAS TRANSPORTATION COMMISSION

Williamson County

MINUTE ORDER

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Austin District

Under 43 Texas Administrative Code Chapter 26, Subchapter D, the department and the CTRMA are required to execute a project development agreement (PDA) governing the development of a CTRMA project that will connect to the state highway system. The PDA negotiated by the department and CTRMA will govern CTRMA's development, design, construction, operation, and maintenance of the Authority Improvements. The PDA may also govern CTRMA's development, design, and construction of improvements to the state highway system in connection with the funding, design and construction of the non-tolled TxDOT Improvements.

The commission has determined that it is in the public interest to allow the 183A Phase III Project to be developed as described above.

IT IS THEREFORE ORDERED by the commission that CTRMA is permitted to use state highway right-of-way as necessary to develop, construct, operate, and maintain the 183A Phase III Project from Hero Way to just north of SH 29, subject to terms that the executive director may include in a PDA that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

IT IS FURTHER ORDERED that pursuant to Transportation Code § 370.187, and 43 Texas Administrative Code §§ 11.58 and 26.32, the connection of the Authority Improvements with a segment of the state highway system is approved, subject to terms that the executive director may include in a PDA that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

IT IS FURTHER ORDERED that CTRMA is authorized to develop, design, and construct improvements to the state highway system in connection with the funding, design, and construction of the non-tolled TxDOT Improvements, subject to terms that the executive director may include in a PDA that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

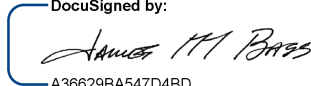
IT IS FURTHER ORDERED that any PDA between the department and CTRMA governing the use of state owned right-of-way and CTRMA's development, design, construction, operation, and maintenance of the 183A Phase III Project, pursuant to Transportation Code § 373.103 and 43 Texas Administrative Code Chapter 26, Subchapter D, shall include any provisions necessary to carry out the purposes of this minute order, including provisions relating to the construction of the non-tolled TxDOT Improvements by CTRMA.

IT IS FURTHER ORDERED that the executive director is authorized to take all actions necessary to carry out the purposes of this minute order.

Submitted and reviewed by:

Recommended by:

DocuSigned by:  
  
186CA618CEFD410  
Director, Transportation Planning and  
Programming Division

DocuSigned by:  
  
A36629BA547D4BD  
Executive Director

115815 Aug 27 2020

Minute	Date
Number	Passed